# COMMENT SET 13

March 9, 2004

Mr. Eric Gillies
California State Lands Commission
100 Howe Ave., Suite 100 South
Sacramento, CA 95825-8202

Subject: Comments on the Draft Environmental Impact Report for the Revised Pier Removal Project PRC-421

Dear Mr. Gillies,

I, Jennifer Stroh, coordinate the Snowy Plover Docent Program at Coal Oil Point Reserve. I had originally offered to comment on the DEIR for Santa Barbara Audubon Society (SBAS). My review of the DEIR provoked some thoughtful responses that slightly differed from SBAS view of the proposed project, so I have decided to send my comments separately, and I sincerely hope you take them into serious consideration. I have reviewed the DEIR concerning the Revised Project PRC-421 and also attended the public meeting on Feb 16, 2004. The following comments contain recommendations for the project that pertain to the potential, unavoidable and avoidable impacts on birds, other wildlife, and the associated habitats of the subject area.

My work and education constantly evolve, yet maintain the same theme: to protect, preserve, and restore wildlife and natural habitat I was unable to comment on the original DEIR April 2002 or the NOP for the DEIR on the REVISED PRC-421 in October 2003, but am familiar with the evolution of project stages and the progress that has resulted. I recognize the controversy that was created during review of the original DEIR; when the removal of the pier was proposed without consideration for the valuable habitat that would be lost. The DEIR of the Revised Project PRC-421 addresses the controversy and incorporates the necessary modifications for providing new habitat. The Revised Project proposes to convert a remnant structure into new roost habitat that would include the toppling of eight caissons, deposition of quarry rock over the caissons, and the installation of four pilings with roosting/nesting platforms. The revision exists to:
-eliminate risks to public safety
-satisfy CSLC lease requirements for abandonment & cleanup
-ensure that a safe, reliable, habitat for birds will remain available to the protected species, Brown Pelicans and Brandt's Cormorants, as well as other associated marine wildlife.

I. **CONCERNS for Revised Project PRC-421**
My specific concerns relate to monitoring methods, design of the platforms, and long term management.

**A. Bubble Curtain**
When pre-surveying for wildlife from explosion site, a bubble curtain is used to remove fish and wildlife from the subject area water. 13-1

Recommendation: Once the curtain is active, another method will be needed to remove the animals from inside the curtain.

**B. Buffer Estimate (4.4-42)**
The estimate (minimum size) used to establish the hazard zone buffer for all marine mammals that would potentially appear during the explosions is a young dolphin. 13-2

Recommendation: I would suggest using a marine mammal of the smallest measurements and lowest weight to gauge the farthest distance that one would have to occur in order to be impacted by the explosions (such as a sea otter).

**C. Monitor (4.4-46)**
The DEIR lists only a 'land-based' monitor to identify the marine mammals when the quarry rock is added. 13-3

Recommendation: I would suggest using an air-based, and marine-based monitors in addition to the 'land-based' monitor who was proposed to identify marine mammals in the vicinity of the quarry rock addition.

**D. Design** 13-4

Recommendation: Please provide stronger evidence that platforms will survive through foul weather. Re: orientation of platforms, from the beach it is important that every wing may be viewed by people on the beach. 25 year lifespan for the new roosting habitat is not satisfactory. Attempts should be made to double this estimate.

**E. Maintenance**
A new roost structure will be overseen and managed by California Dept. of Fish and Game. The maintenance should be minimal, as mentioned briefly in the DEIR. 13-5

Recommendation: The DEIR is lacking a biological/wildlife monitoring plan, or management plan. I suggest that SBAS is approached to develop and execute a monitoring program that would involve the public and gain community participation. This could include a camera for observing the re-establishment of the communities-under and above water, collection of data (differing bird species and numbers), creation of a database, analyzation of data to be presented to the public that would also need to be managed.

II. **OTHER ALTERNATIVES**

**13-6**

**A. The alternatives to the revised project** would be
1) OP = Original Project- removal of the pier (no added habitat) or
2) NPA = No Project Alternative
3) SA = Suggested Alternative

**III. SUGGESTED ALTERNATIVE**

Idea is to use the existing habitat of pier structure until it is nearly ready to collapse on its own, then remove it, and reconstruct the habitat. This requires preparation, restoration, and research. If remaining life of structure = ~5 yrs, we would remove and reconstruct the habitat in 2009 as the proposal describes in the DEIR of Revised project PRC-421.

**A. Safety Issues**

According to the DEIR, public safety hazards pose the greatest obstacle for leaving the pier in place, without disruption. Examination of the structure's current deterioration & decay, resulting hazards, and their potential to be removed or repaired prompted me to form a strategy that would make the area safe (see below).

The pier structure was built around 1930, nearly 75 years ago Over the 75-year period, there are 2 incidents of destruction to the structure as listed in the DEIR:

1980- partially destroyed in a storm
2001- portion fell from northwestern most column

**'Suggested Alternative'**
- proposal is composed of three segments: 1. Preparation, 2.Restoration and 3. Removal and Reconstruction

1., 2 Occur while existing pier remains as is, minimal disturbance
3. Process removes pier and rebuilds habitat

**First segment- Preparation**.

13-6

First, the accurate rate of decay and deterioration of the structure must be identified to help determine the remaining life of structure (below). Additional data is needed. The first segment of our proposal is to temporarily leave the existing structure as is, determine the removeable and non-removeable hazardous pieces, any areas eligible for restoration or repair, and the feasibility for protecting the material above water.

**Second segment- Restoration.**
The goal of the new alternative is to restore the existing pier structure to the most safe possible condition, so that hazards that are now associated with the decaying caissons would not remain or remain minimally. Signs would be used to warn the public about any remaining danger and free the project applicant from liabilities. An estimate of the remaining life of structure would be necessary to gauge the time that it would need to be removed, before it is toppled by natural processes. Restoration should significantly increase the pier structure's lifespan, which should post-pone it's removal time and allow it to remain an important roosting/breeding habitat for birds and other surrounding marine life. The time period for restoration would enable various advantages: a continued search for removal methods that would have less impact than ones of the current proposal, wildlife monitoring, surveying, and data collection of species population numbers, etc... Even before the restoration begins, there exists a valuable opportunity for research. A design comparison, of the changes in diversity of wildlife, during the different project phases, would need to be examined. The research could be used to create a model or be applied at similar restoration sites.

**Third segment- Removal and Reconstruction.**
The removal of the pier structure and reconstruction of pilings and platforms would be similar to the currently proposed revised project PRC-421, but could be improved by substitutions for methodology; specifically used to decrease previous impact levels. The removal and reconstruction of bird island would require another revision of the DEIR which would incorporate the recommendations and comments from the current proposal's DEIR. At the final stage of the alternative project that I have suggested, the project would not have only met it's current objectives,

-no longer risk the public's safety
-satisfy CSLC requirements for lease
-provide habitat for Brown Pelicans, Brandt's Cormorants, and other marine wildlife

but, it also would have allowed for the utilization of rich, diverse habitat until it was no longer physically possible to use it safely, it would have been responsible for the design of a comparative research strategy on diversity of marine restoration sites that could be used as a model and aid for other sites along the coast, and it would have acted as a reasonable compromise between three very different, alternative measures:

'No Project' (no interference) = unsafe conditions = eventual loss of habitat

Revised PRC-241 = removal and reconstruction (eliminates unsafe conditions, but premature destruction of rich habitat)

Suggested Alternative = Research, Preparation for Restoration, Restoration and Repair, Removal and Reconstruction

**13-6**

Sincerely,

Jennifer Stroh
Snowy Plover Docent
Program Coordinator

**Commenting Party:** Jennifer Stroh, Snowy Plover Docent Program Coordinator for the Coal Oil Point Reserve

**Date of Comment(s):** March 11, 2004

**Responses to Comment(s):**

13-1. Preparatory activities at the Proposed Project site, e.g., divers jetting caisson bases, etc., may cause some fish to leave the immediate area. However, it is likely that some fish would still be within the impact area, including inside the bubble curtain. Section 4.4, Biological Resources, of the DEIR acknowledges that fish mortality would be associated with the Proposed Project. This impact was determined to be adverse but not significant. The *Wildlife Protection Plan* (Appendix J of the DEIR) states the following: "any fish found floating or on the beach after the detonations or pile driving shall be promptly recovered, identified as to species, counted and measured. Such fish shall be donated to charity or to a scientific institution."

13-2. Peter Howorth of the Marine Mammal Consulting Group (MMCG), prepared the *Wildlife Protection Plan* on behalf of the Proposed Project. MMCG was established in 1992 by Peter Howorth and Lad Handelman. Mr. Howorth has worked with marine mammals since 1962 and is recognized by State and federal regulatory agencies as a mitigation expert. He has worked extensively in the project area. The hazard zone was established by MMCG based upon estimates of sound pressure levels that would result under a worst case detonation conditions where all four charges in a set would go off simultaneously (they are planned to go off in rapid succession) as well as past project experience. Additionally, as stated in Section 4.4, the hazard zone is over three times the range considered safe for a dolphin calf. As indicated in DEIR Section 4.4, the established range of the southern sea otter does not extend into the Santa Barbara Channel and only isolated sightings have been made in this area. However, dolphins are small mammals common in the area, and as such, were judged appropriate to determine the bounds of the hazard zone..

13-3. Peter Howorth, the marine mammal specialist who prepared the *Wildlife Protection Plan* (Appendix J of the DEIR, Section 3.4.4) determined that the placement of quarry rock would not have a significant impact on marine mammals. Therefore, the level of monitoring was reduced from that associated with toppling of the caissons.

13-4. The structures are designed in accordance with all relevant existing engineering codes and standards. The data and calculations that were used to design the structures to withstand worst case local weather conditions, for example, are contained in reports prepared by Bengal Engineering and Fairweather Pacific, LLC. Such reports are on file in the Long Beach Office of the CSLC. The

platforms, with a maintenance schedule developed by Fairweather Pacific and funding provided by the applicant, are expected to last a minimum of 50 years.

13-5. Thank you for the suggestion. Discussions with Santa Barbara Audubon Society have been initiated in conjunction with the CDFG.

13-6. Thank you for the detailed suggestion. The engineering analysis of the existing structure, see Appendix H, reveals in part that, "The structure below the surface is in a severe state of deterioration" and "Above the water line the structure is also deteriorating but not as rapidly as below or at the water line." Also, "A severe storm with heavy seas may cause some of the legs to buckle and/or the platform to completely collapse." As a consequence of this evaluation, restoration or remediation of the existing structure is infeasible and time is of the essence to remove the structure and provide a replacement of the existing roosting/nesting uses.

We believe that the Proposed Project is preferable, specifically:

i. The proposed roosting/nesting platforms and pilings were designed over a years period of time in conjunction with avian experts within the Office of Oil Spill Prevention and Response and the Marine Division of the Department of Fish and Game (DFG);

ii. The deteriorated structure will be removed as well as all of the causeway piling remnants, which cannot be removed until the pier remnant is;

iii. It provides for roosting/nesting replacement structures at the site historically used by the marine birds, which is the course of action preferred by the DFG, which raised the issue when commenting on the DEIR for the "original project", i.e., removal of everything at the site; and

iv. The DFG has committed to lease the new facilities and will accordingly assume management liability. Signage alone will not remove liability from either the Applicant or the State Lands Commission if the existing structure remains or if a renovated facility were feasible. Understandably, the Applicant wishes to abandon the facilities as provided in the lease and thereby relieve itself of continuing liability for the deteriorated structure and the remnant causeway pilings.

Additional hard bottom substrate will be provided at the site as a consequence of the artificial reef, designed to DFG standards, which is a project component. The reef will augment existing area hard bottom habitat and provide additional opportunities for kelp recruitment and placement as well as additional benefits to, e.g., recreational fishing.